



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/675,489 | 09/30/2003 | Jeyhan Karaoguz | 14305US02 | 6006 |
| 23446 7590 05/13/2008 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661 | | | | |
| EXAMINER | | | | |
| RYAN, PATRICK A | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2623 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 05/13/2008 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/675,489

Applicant(s)

KARAOGUZ ET AL.

Examiner

PATRICK A. RYAN

Art Unit

2623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 April 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because:
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): Rejections under 112 1st and 2nd paragraph - claims 1, 11, and 21.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2623

/P. A. R./
Examiner, Art Unit 2623

Continuation of 11, does NOT place the application in condition for allowance because: applicant's arguments fail to overcome all of the grounds of rejection.

Applicant has provided clarifying support for the limitation "wherein said announcement is displayed on said television screen without any input from the user" with reference to Paragraph [34] in view of Paragraph [41] of the Specification, therefore the rejection of Claims 1, 11, and 21 under 35 USC 112 first paragraph has been withdrawn.

In addition, Applicant's arguments (Page 14 of Reply to Final Office Action) regarding the inoperability of the limitation "...without any input from said user" are persuasive because, as Applicant states, the display of an announcement on a television screen would require the television to be in a powered state, and therefore operable. The rejection under 35 USC 112 second paragraph has therefore been withdrawn.

The Examiner upholds arguments made in reference to Proehl's teaching of claimed limitation "generating, remotely from a user's home, an announcement," (as quoted in Reply to Final Office Action Page 15). In addition, Applicant's argument that Proehl's Bleeding Function 278 generates the announcement at the user's home is not persuasive because of the following. Proehl's Bleeding Function 278 is part of Internet Processing Element 202, within receiver 12, for which receives input "From the Internet" as shown in Fig. 2C. Proehl states that "Integrated receiver 12 also receives Internet signals from Internet Service Provider 24 and performs operations (e.g., decompressing and/or decoding routines) on the Internet signals..." (Col. 4 Lines 33-46). Therefore Bleeding Function 278 may manipulate the announcement, but the announcement is originally supplied from Internet Service Provider 24, which is shown remotely from the user's location in Fig. 1 of Proehl. Furthermore, the Examiner upholds arguments made in reference to Proehl's teaching of the claimed limitation "wherein said announcement is displayed on said television screen without any input from the user" (as quoted in Reply to Final Office Action Page 17). It is the Examiner's position that Proehl's display of an announcement by way of scrolling Ticker Region 566 is not a direct function of a user's input by way of "Home" Key 308 because the announcement is generated and controlled by the content provider. If no announcement is available from the content provider then no announcement will be displayed to the user even if the user activates the "Home" key 308. It is therefore possible for the user to be watching television in Home screen 550 and, at a later point in time, receive an announcement in Ticker Region 566 from a content provider.